

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JENNIFER CLARKE-GREEN,

Plaintiff,

**MEMORANDUM & ORDER**

17-CV-778 (EK) (VMS)

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

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ERIC KOMITEE, United States District Judge:

Plaintiff Jennifer Clarke-Green brought this employment-discrimination action against the New York City Department of Education in February 2017.<sup>1</sup> Am. Compl., ECF No. 18. The City Department of Education now moves for summary judgment. ECF No. 61. I referred that motion to Magistrate Judge Vera Scanlon for report and recommendation ("R&R"). Docket Order dated April 09, 2022. In an extremely comprehensive R&R dated August 02, 2022, Magistrate Judge Scanlon recommends that I grant the City Department of Education's motion. R&R 2, ECF No. 64.<sup>2</sup> Ms. Clarke-Green filed timely objections. Pl.'s Objections, ECF No. 65 ("Obj.").

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<sup>1</sup> Defendants Kimberly Chance-Peart and Maurice De Govia were both dismissed from the case at the motion to dismiss stage. See ECF No. 29.

<sup>2</sup> Page numbers in citations to record documents other than deposition transcripts refer to ECF pagination.

After review of the R&R, Plaintiff's objections, and the fuller record, I adopt the recommendation in its entirety and grant Defendant's motion for summary judgment.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The district court reviews *de novo* those portions of an R&R to which a party has specifically objected. *Id.*; Fed. R. Civ. P. 72(b)(3); see also *Kruger v. Virgin Atl. Airways, Ltd.*, 976 F. Supp. 2d 290, 296 (E.D.N.Y. 2013) ("A proper objection is one that identifies the specific portions of the R&R that the objector asserts are erroneous and provides a basis for this assertion."), *aff'd*, 578 F. App'x 51 (2d Cir. 2014).

Here, the R&R marshals a torrent of undisputed facts in support of its recommendation that the DOE be granted summary judgment. Among other things, the defendant points to evidence that the plaintiff hit a student with a book, see R&R at 10-11, 38; that Plaintiff repeatedly failed to submit required classroom materials (including the "Friday Folder") on time, see *id.* at 16; that she "shouted" at an assistant principal: "In the name of Jesus, I rebuke you," and "Jesus is going to beat you," *id.* at 18; that she failed to report (or file incident reports relating to) two student injuries that occurred in her classroom, *id.* at 19; and that her classroom pedagogy was

generally lacking. Many of these events were the subject of factfinding (adverse to the Plaintiff) by the hearing officer in Plaintiff's termination proceeding. See *id.* at 36-38. Against these facts, the R&R compellingly demonstrates, Plaintiff has adduced no material evidence of discriminatory animus outside of her own highly general and conclusive testimony.

Accordingly, and for the reasons set out in the R&R, I adopt the recommendation that the City Department of Education's motion for summary judgment be granted in its entirety, notwithstanding Ms. Clarke-Green's objections. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: September 30, 2022  
Brooklyn, New York